

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 977

Adopting an Amendment to Multnomah County Code Chapters 11.15, 33, 34, 35, and 38 Providing for a Wildlife Habitat Conservation and Management Plan as an Allowed Use on Lands Zoned for Exclusive Farm Use

(~~Struck through~~ language is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

a. In 1993, the Oregon Legislature created the Wildlife Habitat Conservation and Management Program as a pilot program to selected counties. The program was established to remove disincentives for private landowners who want to provide high quality wildlife habitat on their properties. In 1997, the Oregon Legislature expanded the program to all counties, and in 2001 expanded it again and furthermore specified that counties must decide affirmatively not to participate by January 1, 2003.

b. Landowners that qualify and participate in the program are rewarded for their stewardship with assessed property values equivalent to assessed property values for farm use.

c. There are several County polices that support the legislative intent of the 1997 Oregon Legislature, which is to reward landowners through the use of incentives to protect significant fish and wildlife habitat. The Fish and Wildlife Habitat policy of the County's Comprehensive Framework Plan is to protect significant fish and wildlife habitat, and to specifically limit conflicting uses within natural ecosystems within the rural portions of the County and as well as sensitive big game winter habitat areas. Within the West Hills Rural Area Plan, several policies provide that where possible, use incentives, rather than restrictions or disincentives, to accomplish land use and other policies contained in the West Hills Rural Area Plan. Also, balance protection of significant streams and wildlife habitat with flexibility of use by property owners. Lastly, the East of Sandy River Rural Area Plan envisions a recognition program for people showing good stewardship of streams and streamside property.

d. County residents acknowledge that the protection and preservation of the wildlife resources of this County is a benefit and ought to be encouraged by recognizing wildlife habitat conservation and enhancement as an allowed land use in areas zoned for exclusive farm use and enjoy the benefits offered by the State Wildlife Habitat Conservation and Management Program.

e. The Oregon Department of Fish and Wildlife, which administers the Wildlife Habitat Conservation and Management Program, acknowledges that the program is intended to apply to exclusive farm use zones and mixed farm and forest zones in the Columbia River Gorge National Scenic Area.

The Multnomah County Board of Commissioners Ordains as Follows:

Section 1. MCC subsections 11.15.2008, 33.2620, 34.2620, 35.2620 are amended as follows:

11.15.2008 Primary Uses

(Q)Wildlife Habitat Conservation and Management Plan pursuant to ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single-family residential dwelling in conjunction with a wildlife habitat conservation and management plan is not authorized by this section.)

33.2620 Allowed Uses

(T)Wildlife Habitat Conservation and Management Plan pursuant to ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single-family residential dwelling in conjunction with a wildlife habitat conservation and management plan is not authorized by this section.)

34.2620 Allowed Uses

(T)Wildlife Habitat Conservation and Management Plan pursuant to ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single-family residential dwelling in conjunction with a wildlife habitat conservation and management plan is not authorized by this section.)

35.2620 Allowed Uses

(T)Wildlife Habitat Conservation and Management Plan pursuant to ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single-family residential dwelling in conjunction with a wildlife habitat conservation and management plan is not authorized by this section.)

Section 2. MCC subsections 38.0015, 38.220, 38.2225 are amended as follows:

38.0015 Definitions

W(5) Wildlife Habitat Conservation and Management Plan: ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single-family residential dwelling in conjunction with a wildlife habitat conservation and management plan is not authorized by this section.)

~~(6)~~(5) Woody plant: A gymnosperm or angiosperm that develops persistent, hard, fibrous tissues.

38.2220 Allowed Uses

(A) The following uses are allowed on land designated GGA without review:

- (1) Agricultural use, including actions implementing a Wildlife Habitat Conservation and Management Plan not involving stream, riparian or ground disturbing activity, except new cultivation.

(B) The following uses are allowed on land designated GSA without review:

- (1) New agricultural uses as defined in MCC 38.0015, including actions implementing a Wildlife Habitat Conservation and Management Plan not involving stream, riparian or ground disturbing activity, and except where there would be potential impact to cultural or natural resources.

38.2225 Review Uses

(A) The following uses may be allowed on lands designated GGA pursuant to the provision of MCC 38.0035:

- (1) New cultivation, and/or actions implementing a Wildlife Habitat Conservation and Management Plan involving stream, riparian or ground disturbing activity, except subject to compliance with MCC 38.7045, 38.7055, 38.7060, 38.7065, and 38.7070.

(B) The following uses may be allowed on lands designated GSA-40 pursuant to MCC 38.0035, provided that the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock:

- (9) Structures and vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects, and/or actions implementing a Wildlife Habitat Conservation and Management Plan involving stream, riparian or ground disturbing activity.

Section 3. The effective date of the amendments to Chapters 33, 34, and 35 shall be March 9, 2002.

Section 4. The effective date of the amendments to Chapter 38 Columbia River Gorge National Scenic Area, General Management Areas shall be the date of adoption by the Bi-State Gorge Commission. Amendments to Special Management Areas shall be effective upon acknowledgement by the United States Secretary of Agriculture.

FIRST READING: January 31, 2002

SECOND READING AND ADOPTION: February 7, 2002



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

A handwritten signature in cursive script, appearing to read "Diane M. Linn".

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra N. Duffy, Deputy County Attorney